

REMARKS

This responds to the Office Action mailed 7/25/06. In the Office Action the Examiner:

- Objected to the specification, and in particular the brief description of the drawings for failing to describe FIGS. 4D-4E and FIGS. 8A-8C.
- Rejected claims 1-24 under 35 U.S.C. 103 as being unpatentable over Reiley et al. (USP 6,576,919) in view of Gelpcke (USP 1,852,296).

After entry of this Response, claims 1-24 are pending. Claims 1, and 21-24 have been amended. Allowance is respectfully requested.

In The Specification

The specification, and in particular the brief description of the drawings, have been revised to include a brief description of FIGS. 4D-4E and FIGS. 8A-8C. The support for these revisions is from the figures themselves and from the detailed description at page 15, lines 1-17 for FIGS. 4D-4E, and at page 16, lines 18-35 for FIGS. 8A-8C. No new matter has been added.

35 U.S.C. § 103 Rejection

The Examiner rejected claims 1-24 under 35 U.S.C. § 103 as being unpatentable over Reiley et al. (USP 6,575,919) in view of Gelpcke (USP 1,852,296). This rejection is respectfully traversed.

First, even if the teaching of Reiley et al. are combined with those of Gelpcke as proposed by the Examiner, then the combination still would not meet all the limitations of independent claims 1 or 24. Second, the Gelpcke reference is from non-analogous art and is not properly combinable with Reiley et al.

Both independent claims 1 and 24 require the cross-section of the shaft to vary along the length of the shaft with a first cross-section at a first location having a first area and a second cross-section at a second location having a second area, where the second location is located between the first location and the proximal end of the shaft, and the second area is

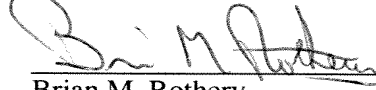
greater than the first area. In medical devices and in view of claim 17, the proximal end refers to the end closest to the surgeon (where a handle may be located) whereas the distal end refers to the end farthest from the surgeon. Accordingly, both claims 1 and 24 require the cross-section of the shaft to be smaller at some location that is proximal of a different location. The Examiner refers to the beveled tip of Reiley et al. as meeting the required limitation. The beveled tip of Reiley et al., however, does not meet the required limitation since the cross-section of the Reiley et al. tip is larger as it approaches the proximal end which is opposite of that required by both claims 1 and 24. Accordingly, the combination of Reiley et al. and Gelpcke would not meet the limitations of independent claims 1 or 24.

In addition, Gelpcke is directed to a removable grip for tool handles and is not directed to nor does it teach the structure or configuration of a tip. Certainly, Gelpcke does not disclose the structure or configuration of a tip for piecing and cutting tissue and, thus, one of skill in the art would not look to or extract any teaching from Gelpcke on how to configure a tip for cutting tissue. As such, contrary to the Examiner's position, Gelpcke is not in a similar art and one of skill in the art would not look to the disclosure of Gelpcke to configure the structure of a tip to cut tissue. Accordingly, there is no motivation or suggestion to combine Reiley et al. with Gelpcke as argued by the Examiner. The obviousness rejection of claims 1-24 should therefore respectfully be withdrawn.

In light of the above amendments and remarks, the Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

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Respectfully submitted,



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